

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

SPH AMERICA, LLC, a Virginia company,)
)
)
Plaintiff,)
)
v.) Civil Action No. 1:09-CV-945 LMB/JFA
)
FOLEY & LARDNER LLP, a Wisconsin partnership,)
)
Defendant.)

**EX PARTE MOTION TO SHORTEN TIME FOR RESPONSE TO
MOTION TO ENLARGE TIME TO RESPOND TO COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(c)(1)(C), Defendant Foley & Lardner LLP (“Foley”), by counsel, respectfully moves the Court *ex parte* to shorten the time for Plaintiff to respond to Foley’s Motion to Enlarge Time to Respond to Complaint.¹ A proposed Order granting this motion is being filed contemporaneously herewith.

Good cause exists to grant this *ex parte* motion because — without the relief sought — Foley’s motion to enlarge time to file responses to the Complaint will not be heard before the deadline to respond to the Complaint. Specifically, Foley’s response to the Complaint is due on September 15, 2009. Foley’s motion to enlarge time to respond to the Complaint will, if granted, afford Foley an additional fifteen days to file its response to the Complaint. Unless this *ex parte* motion is granted, the regular briefing and hearing schedule called for by this Court’s rules would have the motion to enlarge time heard after Foley’s September 15, 2009 deadline for responding to the Complaint.

¹ In a telephonic “meet-and-confer,” Plaintiff’s counsel indicated that Plaintiff would not stipulate to an order shortening time, nor to the motion to enlarge time to respond to the Complaint. Ragland Decl. ¶ 3.

Accordingly, Foley requests an *ex parte* order shortening time on its motion to enlarge time so that any opposition to the motion to enlarge time must be filed by the close of business on September 9, 2009, and any reply brief in support of the motion to enlarge time must be filed by the close of business on September 10, 2009. Consistent with the foregoing proposed schedule, Foley is noticing the hearing on its motion to enlarge time to respond to the Complaint for September 11, 2009.

Dated: September 8, 2009

Respectfully submitted,
FOLEY & LARDNER LLP

By: /s/ Michael J. Lockerby

Michael J. Lockerby (VSB No. 24003)
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington, D.C. 20007-5143
Telephone: (202) 945-6079
Facsimile: (202) 672-5399
E-mail: mlockerby@foley.com

John W. Keker (CA Bar No. 49092)
(*pro hac vice* application pending)
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, CA 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
E-mail: jeker@kvn.com

Counsel for Defendant
Foley & Lardner LLP

CERTIFICATE OF SERVICE

I hereby certify on September 8, 2009, I electronically filed the foregoing ***EX PARTE MOTION TO SHORTEN TIME FOR RESPONSE TO MOTION TO ENLARGE TIME TO RESPOND TO COMPLAINT*** with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following counsel of record for Plaintiff SPH America LLC:

K. Kevin Mun, Esq.
(kevin.mun@echelaw.com)
ECHELON LAW GROUP PC
1919 Gallows Road, Suite 330
Vienna, Virginia 22182
(703) 496-5559
(703) 579-0105 fax

/s/ Michael J. Lockerby
Michael J. Lockerby
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington, D.C. 20007-5143
(202) 945-6079
(202) 672-5399 fax
MLockerby@foley.com
Counsel for Foley & Lardner LLP